IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 10563 of 2004

Between:

Shashi Raj Kumar S/o Sri Surya Kanth Pershad

R/o H. No. 3-5-651 & 652, Narayanaguda, Hyderabad.

..... PETITIONER

AND

1. Municipal Commissioner, Municipal Corporation of Hyderabad,

Hyderabad.
2.Assistant Commissioner MCH, Narayanaguda Circle Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents in refusing to accept the plans by insisting for production of TSLR Certificate in respect of H. Nos. 3-6-651, Arbitrary and without jurisdiction.

Counsel for the Petitioner: Mr. C.NAGESWARA RAO

Counsel for the Respondent Nos.1&2: MR.RAMA RAO GANTA

The Court made the following :

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THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 10563 of 2004

Oral order:

The petitioner states that when he applied to the respondents for sanction of plan for construction of a house by demolishing the existing one, the respondents refused to receive the plan on the ground that the petitioner should produce TSLR Certificate. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The learned counsel for the petitioner submits that the respondents have no power whatsoever to insist production of TSLR Certificate for sanction of construction plan, and that when application for sanction of plan is submitted, they have to see whether the same is in accordance within the building parameters and nothing else. He, thus prayed for appropriate directions.

The learned Standing Counsel for the respondents submitted that the respondents are well within their powers to insist production of TSLR entries, but they cannot insist production of "No Objection Certificate" from the revenue authorities, for grant of building sanction plan.

Having heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents, I deem it appropriate to dispose of the writ petition with the following directions:

If the application of the petitioner for grant of building sanction plan is supported with TSLR entries, the respondents shall receive and process the same for grant of sanction of the building plan, provided the same is in accordance with the building bye-laws and the Rules governing the grant of sanction. The respondents, however, shall not refuse the application for grant of building sanction plan of the petitioner on the ground that the same is not supported by “No Objection Certificate” from the revenue authorities.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: 9-7-2004

KSR

To

1.The Municipal Commissioner, Municipal Corporation of

Hyderabad, Hyderabad.

2.The Assistant Commissioner, M.C.H., Narayanaguda Circle,

Hyderabad.

3. Two C.D. copies.